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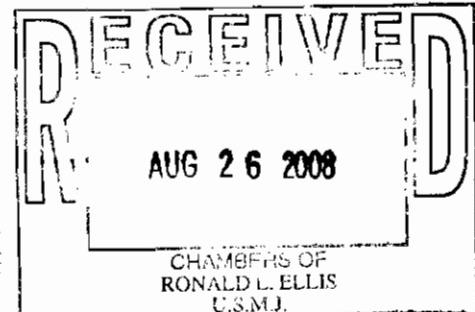
District Attorney

USDC SDNY**DOCUMENT****ELECTRONICALLY FILED****DOC #:****DATE FILED: 8-27-08**198 East 161st Street
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August 21, 2008

RE: Charles Dargan v. Robert Ercole
08 Civ. 5608

Honorable Ronald L. Ellis
 United States Magistrate Judge
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 1970
 New York, New York 10007-1312



Dear Judge Ellis:

Our Office represents the respondent in the above-entitled proceeding, and on August 5, 2008, I was assigned to respond to petitioner's writ of habeas corpus. Pursuant to your Order dated July 21, 2008, our response is currently due on September 22, 2008. Due to my workload, which currently consists of two state appellate briefs in the Appellate Division, First Department, two state appellate briefs in the Appellate Term, First Department, as well as a post-conviction motion, I respectfully request a fifty-three day extension until November 14, 2008.

This first request for an extension to November 14, 2008, is made in good faith, based upon my approximation of the time required to prepare an adequate response. I have obtained consent from my adversary, Jan Hoth, Esq. of the Center for Appellate Litigation. Ms. Hoth and I have also agreed, pending your approval, that her reply papers will be submitted by December 19, 2008. Thank you for your consideration in this matter.

Extension granted.

SO ORDERED

Ronald L. Ellis 8-22-08

MAGISTRATE JUDGE RONALD L. ELLIS

Respectfully,

HANNAH E.C. MOORE
Assistant District Attorney

cc: Jan Hoth, Esq.
 Center for Appellate Litigation
 74 Trinity Place
 New York, New York 10006